ARTICLE APPEARED
ON PAGE 5

TV GUIDE
17-23 NOVEMBER 1979

NEWS LEAKS: SHOULD THERE BE ANY LIMITS?

Media watchers are debating whether reporters can—and ought to—be stopped from acting on tips

By Ron Powers

It was not exactly your standard textbook news leak. Measured against all accepted norms of procedure, this news leak was approximately as subtle as the launching of Apollo 10. But a leak it indeed was, and the fact that it backfired does nothing to alter its significance as a media milestone.

For decades print journalism has enjoyed a near monopoly on major stories originating from insiders' leaks. But as of Feb. 10, 1978—in a bizarre story that did not play itself out fully until August of this year—the news leak announced itself at television's front door, dressed up in bright packaging, accompanied by all the hype and audacity that the electronic medium seems to demand.

A "news leak," of course, is the inelegant term that describes information passed along to a reporter voluntarily, by someone who has a self-interested reason for seeing the information made public. (Usually because certain *other* people would rather keep the whole thing a secret.) The most celebrated news leaks involve vital questions of government policy, including national security. As did this one.

This most conspicuous of leaks took place in Miami, at a time when the Senate debates over the proposed Panama Canal treaties were at their height. At a news conference called by a Washington public-relations man named William Rhatican, a mysterious Panamanian unwound a horrifying account of decadence and corruption within the Panamanian government. The witness, one Alexis Watson Castillo, was presented as a former intelligence agent for the country's military head of state, Gen. Omar Torrijos. Watson (as he came to be known) portrayed a Torrijos regime profiteering on prostitution, drugs, gunrunning, smuggling—and guilty of flagrant abuses of human rights.

Had Watson's allegations been relayed on the network television newscasts that night, they conceivably could have added to the American public's substantial doubts about turning the Panama Canal over to the Torrijos government. This, in turn, might have had an effect on the Senate debates. As it happened, because they were unable to document his charges, the networks held back on the Watson footage.

The most telling twist to this episode —a leak-within-a-leak, as it were— did not come until Aug. 14 of this year. On that date, Bernard Shaw broadcast a report on ABC that began: "This man says some prominent Washington conservatives paid him money last year to lie in a frantic scheme to defeat the Panama Canal treaties and humiliate President Carter. He's Alexis Watson Castillo. . . ."

As a result of his own investigation (following a telephone tip from the garrulous Watson himself, several weeks after the Miami conference), Shaw was able to document that members of a group called the Committee to Save the Panama Canal had paid Watson $6000 to tell the news media the stories about prostitution and gunrunning in the Torrijos government.

While it is far from clear that Watson was *bribed*, as opposed to being reimbursed, one set of facts seems irrefutable: Watson was presented to the news media—the network cameras most specifically included—as an authority on a pressing matter of international concern. Those who presented him had a strong ideological interest in the issue at hand. Watson volunteered information that could have affected the outcome of the issue in a manner suitable to the committee that presented him.

→

And the fact that Watson contradicted his story later raises important questions about how vulnerable television is to manipulation by sources whose facts are questionable. In this instance, even though their reporters and cameras showed up to cover Watson's charges, the TV networks exercised restraint and judgment. What about next time?

"Next time," of course, has already happened. Dozens, perhaps hundreds, of times. It is important to understand that the "leak" is an accepted, quasi-respectable coin of exchange in modern journalism. In Washington, where most national news originates and where nearly everyone knows *some* secret, leaks are as commonplace as parking tickets. Most of them are innocuous. Some are offensive to certain bureaucrats, even to senators and Presidents—but are legitimate news stories nonetheless. Only a relative few fall into the netherworld of "national-security" violations, attempts to manipulate sensitive policy issues or outright hoaxes.

"I have repeatedly told members of the TV press: 'Dammit, come to us. If you ask, we'll help you turn a leak into a flood'." The speaker is a middle-management administrator in the Federal Trade Commission.

"Many bureaucrats who leak stories are doing it for a positive motive," continues this administrator. "Let's say the FTC has been investigating a shady manufacturer for a couple of years. Let's say we pretty much have the goods on him. Now: we are prohibited by protocol from formally announcing the existence of this probe. But if we believe the information is something that should be before the public, I can see no harm in leading the press to the story."

Sam Donaldson, ABC's White House correspondent, agrees. "The bane of our existence is that the White House controls what is perceived as 'the story of the day'," he says. "Most of what we correspondents do is things like float down the Mississippi with the Carter entourage—what the White House calls 'planned participation.' Obviously, we can't do this *and* be behind the scenes, digging. So if I receive a piece of volunteered information, and I'm convinced that it's accurate, I think it's better to use it than not, in most cases."

But even as television journalists welcome leaks, they acknowledge that the nature of their medium has tended to discourage prospective sources—in favor of the printed page.

CONTINUED

"People who leak stories often want to get their side *on the record*," points out CBS correspondent Fred Graham. "The strategy is to have the other side read it, and then react to it. Television just isn't perceived as 'the record'."

Brit Hume has contemplated the issue from both sides—for three years as a top investigator for the syndicated political columnist Jack Anderson, and now as a Capitol Hill correspondent for ABC. "The difference," he remarks candidly, "is that few people in Washington fear the networks—on a day-to-day basis—in the way they fear the power of the print press.

"Television news is in the odd position of reaching a far greater audience than newspapers, but of having a smaller impact on policy. So most of the important leaks go to the papers."

Nevertheless, television news has had its moments in the news-leak limelight. Besides the abortive Watson affair, there was the much-publicized coup by ABC correspondent Tim O'Brien—who, on two successive nights last April, sent members of the Supreme Court and its staff into a frenzy by reporting advance information on major Court rulings. And the irascible Daniel Schorr bedeviled the CIA, the FBI and the Warren Commission for years, using unrevealed sources to bring off-the-record activities to the → CBS airwaves. It was a leaked story, of course, that brought Schorr's CBS career to a premature end: his controversial release of the House Select Committee on Intelligence report on CIA secrets, which he had obtained from an anonymous inside contact. Ironically, it was Schorr's decision to *print* the document—in The Village Voice—that brought down the wrath of both the Government and his network. Under suspension by CBS, Schorr resigned in September 1976.

Whether a news leak is "packaged" and delivered to television, as in the Watson case, or whether it evolves from reporting, as with Daniel Schorr, its implications are many and troubling. Few people would deny that some leaked stories have furthered the public interest, by exposing corruption and the abuse of power and by reinforcing the accountability of public officials. But is there a point at which the broadcasting of classified (or inaccurate) information can harm the national security? If so, what can be done to impose reasonable limits on the practice?

Arizona senator Barry Goldwater is among those who believe that leaks of classified information constitute a clear and present danger. "They undermine our intelligence and our national will, and we have to put a stop to it," he says. "We have an existing law that covers that sort of thing—the Espionage Act. It provides penalties up to death for those who divulge this kind of information. I'd like to see national-security violators prosecuted to the full extent of that law—and if that law isn't adequate to cover the problem, we'll have to write one that is." Goldwater added, however, that the leaks that disturbed him the most have appeared in print, rather than on television. "I wouldn't say that television is leaking nearly as badly as the few major newspapers in this country," he said.

There is, in fact, legislation being considered that would cover the specific question of national-security leaks. Being prepared by Sen. Walter Huddleston of Kentucky and other members of Congress, it would provide, among other things, fines of up to $50,000 and prison terms of up to five years for any person convicted of disclosing the identity of a CIA agent. (This law, say Senate staff members, would not penalize the newspeople who receive and disseminate this information.)

Such attempts to curb leaks, naturally, prompt newsmen to quickly raise First Amendment warnings. Jim Lehrer, co-host of public television's *MacNeil/Lehrer Report*, is one. "The alternative to leaks," he says, "is so ominous and so chilling to free speech that I don't think it's reasonable. The only real way you're going to stop leaks is to have a totalitarian system."

CBS correspondent Graham, himself a lawyer and a student of constitutional law, agrees. "The problem with these proposed laws," he says, "is that under recent Supreme Court decisions, a journalist who had information about the commission of a crime—such as an illegal leak—could be called in by a grand jury and, if he refused to testify, be put in prison. I have found that leaks, in general, have been very healthy to the news process. Of course they must be checked out very carefully."

And ABC's Shaw, whose diligent reporting helped to discredit that grandiose made-for-TV leak by Alexis Watson Castillo, argues that television news has at least some built-in restraints against abusing the news-leak syndrome.

"People on the outside," says Shaw, "don't realize how intimidated reporters in the electronic media are by the power of investigative reporting. We are all aware of the impact that a TV story can have. It instills in us, I think, a profound fear of being wrong. And an obsession with being right." (END)